

**MEMO ENDORSED**

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<b>USDS SDNY</b>
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August 14, 2007

VIA FACSIMILE (212) 805 7949

Hon. P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Commercial Metals Company v. MV Ding Xiang Hai, et al.*  
ECF Case No.: 08-CV-1459 (PKC)

Dear Judge Castel:

Along with the firm of Spagnoletti & Co. of Houston Texas, we are counsel for Plaintiff Commercial Metals Company in the referenced action involving claims for marine cargo damage.

The defendants in this action are located in Japan and South Korea. Accordingly, process must be served upon them through the respective Central Authorities of those nations pursuant to the Hague Convention. Following a period of settlement negotiations, which did not yield a resolution, co-counsel initiated service of process through the Hague Convention methods. The Summons, Complaint and other documents to be served, together with certified translations thereof, have been forwarded to the National Court Administration in Seoul, Korea and to the Central Authority of Ministry of Foreign Affairs in Tokyo, Japan. Thus far, we have received no confirmation of service from either of the respective Central Authorities, nor any communication from any defendant that they have been served.

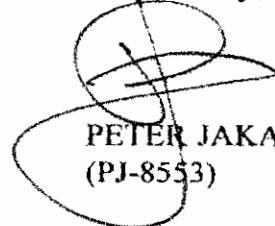
Plaintiff therefore respectfully requests an adjournment of the Initial Conference date, currently scheduled for April 18, 2008 at 10:30 am before Your Honor. No prior adjournments have been requested. Our experience is that the Japanese and South Korean Central Authorities can be quite overburdened and therefore back-logged in effecting service of process and therefore suggest a 90 day adjournment of the initial conference.

In tandem with the adjournment request, and for the same reasons, Plaintiff also respectfully requests an enlargement of the time within which to complete service of process in this matter. Similarly, a 90 day enlargement is requested. Plaintiff's counsel will follow up with

the respective nations' Central Authorities in June and will report to the Court upon learning the status of service of process.

If there is anything else the Court requires in connection with these applications, kindly contact the undersigned.

Respectfully,

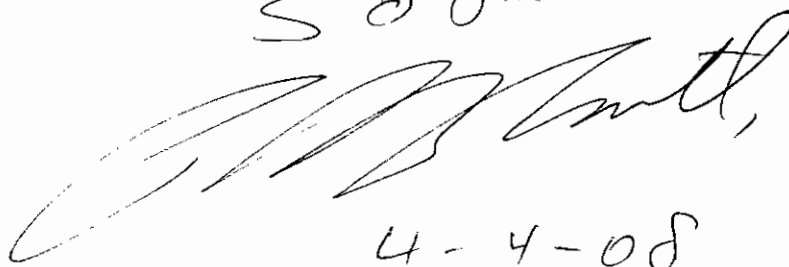
  
PETER JAKAB  
(PJ-8553)

PJ:lb

cc: David Toy, Esq.  
Spagnoletti & Co.

For good cause  
shown, time to effectuate  
service of process under Rule 4(m)  
extended to July 11, 2008.  
Initial conference adjourned from  
April 18 to September 12, 2008 at  
9:45 a.m.

SO ORDERED

 USDS  
4-4-08